

KASSON TOWNSHIP PLANNING COMMISSION

Monday, June 21, 2021, 7:00pm

Kasson Township Townhall

10988 S. Newman Rd. Maple City, MI 49664

1. **CALL TO ORDER/Pledge of Allegiance:** Chair Otto called the meeting to order at 7:05pm with the Pledge of Allegiance.
2. **RECOGNITION OF VISITORS AND ROLL CALL OF COMMISSIONERS**
 - A. **COMMISSIONERS PRESENT (roll call):** Commissioner Jim Anderson, Commissioner Kenneth Carter, Chair Stella Otto, Vice Chair Gerald Roush and Secretary Chuck Schaeffer
 - B. **STAFF PRESENT:** Tim Cypher, Zoning Administrator, and Sandy Dunkin, Recording Secretary
 - C. **VISITORS PRESENT:** Robert Chacon, Eugene Homeister, Jim Lively, and Ed Wilber
3. **CONSIDERATION OF THE AGENDA: Additions or Deletions** - Chair Otto asked for any additions or deletions to the agenda as presented. Roush moved to accept the June 21, 2021, agenda as presented, Carter seconded. All present in favor, motion carried.
4. **DECLARATION OF CONFLICTS OF INTEREST:** Carter asked that the planning commission be aware of an outside conversation with Mr. Lively regarding amplified sound carrying.
5. **COMMENTS FROM THE PUBLIC:**

Eugene Homeister reported on the Livelys' proposed quiet hours of 11pm to 7am and stated that many campgrounds have quiet hours of 10pm to 8am with campers limiting their voices to a whisper and no loud radios or generators. Homeister advised that with the amplified sound, he knows the Lively property, which is on the ridge of a natural basin, the sound travels down to his property, which is close to three quarters of a mile away. Homeister reported he can hear people talking, word for word, during the music event, which has amplified sound and all residents in the area will be negatively affected if this were a regular occurrence. Homeister advised that the Livelys report has up to 95 decibels (dB) and when building a highway if sounds ever go over 55 dB, then a sound barrier is necessary as over time sounds over 55 dB can cause hearing loss.

Ed Wilber reported that Boomer's email lists the quiet hours of 7am to 10pm, rather than 10pm to 7am.

No further comments.

6. **APPROVAL OF MINUTES – May 17, 2021**

Chair Otto asked for a motion to approve the May 12, 2021, minutes. Chair Otto advised that some minor typographical and grammatical errors were emailed to the recording secretary.

Schaeffer moved to approve the May 17, 2021, Planning Commission Regular Meeting Minutes with changes noted by the Chair via email, Carter seconded. All present in favor, motion carried.

APPROVAL OF MINUTES – June 4, 2021

Chair Otto asked for a motion to approve the June 4, 2021, meeting minutes. Cypher stated that at the bottom of page five, the second bullet point up needs to read “on site plan and provide easement language.” Chair Otto advised that typographical and grammatical errors were emailed to the recording secretary. Carter moved to approve the June 4, 2021, Planning Commission Public Hearing Meeting minutes with changes noted by the Zoning Administrator and by the Chair’s email. Schaeffer seconded. All present in favor, motion carried.

7. CORRESPONDENCE RECEIVED – Secretary Schaeffer advised no new correspondence.

8. REPORTS:

A. Chairperson–Commissioner Otto had no report.

B. Secretary – Commissioner Schaeffer had no report. Schaeffer reported on the Technology Advisory Committee as it was inadvertently left off the agenda for today’s meeting. Schaeffer advised that the datafiles have been received from the county with Schaeffer reviewing the steps of the process for the fiber optic cable. Discussion followed. Schaeffer advised the next step is to write the RFP, which will determine the dollar amount then the bidding process would begin if moving forward. Schaeffer reported the next meeting will be within the next seven days.

C. Township Board – Commissioner Carter had no report.

D. Zoning Board of Appeals – Commissioner Anderson had no report.

E. Zoning Administrator’s Report – Zoning Administrator Cypher reviewed the May report supplied to the planning commissioners by email on June 5, 2021. Cypher reported he talked to Mr. Wilber about the Aylsworth boat storage fencing to be completed, but no landscaping changes are necessary due to the statute of limitations. Cypher advised that the Aylsworth Boat Storage’s owner is waiting to be get on the schedule for the fencing.

Cypher advised there is an Elmer’s two-year renewal next month and asked for a public hearing be put on July’s agenda. Chair Otto asked for a motion for a public hearing. Schaeffer moved to schedule a public hearing as part of the regular meeting on July 19, 2021, to discuss the upcoming two-year renewal at Elmer’s. Discussion followed about consolidating renewal dates on the four pits. The consensus of the Planning Commission members is to hold the public hearing on just the renewal of the upcoming Elmer’s permit. Roush supported. All present voting aye; motion carried. Chair Otto confirmed with Cypher that he will post the public hearing notice.

9. UNFINISHED BUSINESS:

A. Lively Holdings – SUP Application

1. Updates from ZA – Cypher advised the sound engineer and attorney have been retained based on escrow accounts set up with a \$5,500 check received from Jim Lively. Cypher reported there will be a very detailed process for withdrawals and a monthly accounting to the planning commission, township board and Mr. Lively with the escrow accounts running until the application is approved. Chair Otto confirmed with Cypher that the sound engineer has gotten started even though the township board will approve the contracts at their next meeting. Cypher reported he is hoping to hear from the sound engineer by the end of this week. Cypher reports he is expecting no issues with the approval by the township board for the attorney and sound engineer contracts. Cypher advised that both the attorney and sound engineer know of the Livelys' noise study.
2. “Punch list” of items still needed in order to move forward in determining conditions prior to consideration of possible approvals – Chair Otto asked that Schaeffer review the Special Use Permit (SUP) Conditions Outline provided to planning commission members at tonight's meeting.

Definition and dates section –Schaeffer reviewed items in this section. Discussion followed on phases of the project. Carter stated that approval of phase one with conditions could be completed now and then start on phase two. Discussion followed. Anderson reported that the focus should be on phase one until there is more information on phase two. Cypher advised that the applicants need to define what is part of phase one.

Lively reported that primarily phase one is a standard campground with other events clarified as to what are the public and semi-public permitted uses allowed by right. Discussion followed. Cypher advised that even permitted uses still require a site plan review through the township. More discussion followed on public and semi-public uses. Lively advised that events would be in the pavilion, which is not enclosed, and the health department has approved for use. Richard Chacon advised that self-contained food trucks may be used for the three approved music events, not on a regular basis.

Schaeffer advised that he wants to review items on the SUP Outline with the Zoning Administrator and Livelys meeting on relevant items rather than a discussion on each individual item at this time. Chair Otto advised Schaeffer to continue with a review of items.

Schaeffer reviewed the outline which includes sections of health and safety conditions; permitted uses; environmental; and administrative. Discussion followed. Lively confirmed with Chair Otto that the farm market could grow into a retail food store in the future.

Schaeffer reported that he used the addendum to provide details of the SUP Conditions Outline. Discussion followed. Cypher advised that Schaeffer's outline is a good foundation for determining conditions of the SUP. Lively advised that he reads this outline as applying to both phases. Cypher advised he will meet with Mr. Lively to clarify definitions so as not to lose sight of public and semi-public uses. Discussion followed. Cypher advised a findings of fact document is necessary as a basis for the SUP conditions. Chair Otto will send her list to Cypher via email which may include items that are already on the reviewed list. Discussion followed. Chair Otto advised that many of these items will be part of the findings of fact prior to approval of any SUP.

Roush questioned if planning commission members should go down the list to see if they can eliminate items. Discussion followed. Chair Otto advised planning commission members to mark items as to whether they apply to phase one or two and send, via email, to the Zoning Administrator within two weeks, so the list is already tabulated prior to the next meeting. Discussion followed. Carter stated his concerns with the fire issue if the fire chief does not sign on. Cypher advised the most recent letter from the fire chief is that when he knows exactly what in phase one, he will send a determination letter. Discussion followed. Cypher advised that the Livelys were asked in the beginning of this process to consolidate everything so the planning commission members could see the big picture.

Lively advised that if the expanded campground is not going to be approved until August, then this season is lost to a large degree. Lively feels that if the planning commission is getting close, then the entire project should be finished now with conditional use. Discussion followed about approving the campground on its own with a temporary special use permit. Cypher advised once a permit is issued, there are steps in place to issue a cease and desist if conditions not being met. Discussion followed.

Cypher asked if planning commission members are comfortable with approving something at the next meeting. Discussion followed. Carter advised that if quiet time and fire concerns were settled, he would be able to do something by the July meeting. Discussion followed. Cypher advised if there is a consensus from the planning commission members for an expanded campground permit to be approved at July meeting. Cypher confirmed phase one to include:

- Expanded Campground
- Farm Market
- Public or semi-public events as defined. Cypher advised he will make determination with clarification with Lively's input to determine event uses via the ordinance.

Chair Otto confirmed with Cypher that a findings of fact will be created on phase one for the July meeting.

3. Email from Dana Boomer regarding concerns that have come out of the public hearing – Chair Otto asked if planning commission members have any issues or comments on the email. Cypher advised no other comments except to clarify quiet hours of 10pm to 7am with 11pm to 7am on Friday and Saturday nights.
4. Brief Update by Jim Lively regarding planned August concert event – Chair Otto asked is there a need for further information on the concert event. Cypher advised there is no sound standard for the three music events with the understanding of a normal and reasonable potential for nuisance complaints to the planning commission and police. Chacon advised that Emily Lively is working on an update for this year's event. Chacon reported that their sound engineer is basing the report on the inside area. Discussion followed. Lively confirmed with Cypher that letters will be sent to each residential site within 600 feet. Cypher confirmed that Lively will provide dimensions for where the sound amplification will be to facilitate fielding calls.

Chair Otto confirmed with Cypher that the definition of one music event constitutes one day. Chacon advised that the third day is not amplified and is historically a much smaller event.

B. Master Plan – Consideration of proposal for addition of agri-tourism related wording

Chair Otto advised that progress is still ongoing for editing and formatting the Master Plan booklet.

Schaeffer advised all planning commission members need to watch the four videos on Cultivating Local Farm Economies. Discussion followed. Schaeffer stressed the importance of strengthening the Master Plan with respect to agriculture. Schaeffer advised once he completes viewing all four videos, he will put together verbiage to propose adding to strengthen the agricultural provisions in the Master Plan.

Chair Otto asked about quotes for the Master Plan with Schaeffer advising he emailed suggestions to planning commission members on May 17, 2021. Consensus of planning commission members is they will consider quotes, which can be easily added to the Master Plan later.

C. Gravel legislation status

Chair Otto advised that the Michigan Senate has approved the gravel legislation bill. Otto reported she spoke with Grayson East who advised he sent a letter to Representative Jack O'Malley and he did not feel another letter needed sent by the Planning Commissioners. Carter advised that he contacted Senator Curt Vanderwall and informed him that his senate vote to pass this legislation will not be forgotten.

Member of the public, Ed Wilbert, asked about information on the site visit to the Livelys. Chair Otto advised that there was a Special Site Visit meeting notice for the

public to attend, which was prior to tonight's meeting with no discussion planned at this meeting. Cypher advised Wilbert to contact him to go over the site visit details.

10. NEW BUSINESS:

- A. Review and discussion of "Cultivating Local Farm Economies" Webinar, sessions one and two.

Session 1: Introduction to Agritourism and Local Planning and Zoning (recording).

https://mediaspace.msu.edu/media/CLFE+Session+1+-+Introduction+to+Agritourism+and+Local+Planning+and+Zoning/1_gn7mbqlj

Session 2: Understanding Local Zoning, RTF, and Farm Market GAAMPS (recording).

https://mediaspace.msu.edu/media/CLFE+Session+2+-+Understanding+Local+Zoning%2C+RTF%2C+and+Farm+Market+GAAMPS/1_h12b9h25

Slide decks from both sessions are in the handouts for this meeting.

Chair Otto advised no further discussion as this item was previously discussed under the Master Plan (Item 9.B).

Schaeffer asked to add an agenda item to new business regarding deadlines on meeting agenda handouts. Chair Otto asked about interest in amending tonight's agenda with no motion made. Extensive discussion followed. Recording Secretary was advised to add relevant items not in the handouts posted but discussed in the current meeting to the end of the minutes with a location reference.

- 11. COMMENTS FROM THE PUBLIC:** Ed Wilber commented on the Boomer email concerning *"the Livelys are currently requesting that no impervious surface (asphalt/gravel) parking be required for phase 1. This is in direct violation of the parking provisions of the Zoning Ordinance and also raises additional fire concerns with hot vehicles being parked on grass during the dry summer months."* Wilber stated that while he has not spoken with Boomer, he sent information to the Fire Chief and Zoning Administrator, pertaining to the standard working temperature of a catalytic converter, which is 1200 to 1600 degrees and can go up to above 2000 degrees Fahrenheit. Wilber advised this is a fire hazard when parking on grass, in his opinion, and with temporary campground expansion being spoken of tonight, that it may not address the fire concern. Chair Otto advised this topic will come up in discussion and will be part of the findings of fact process when making approvals.

Wilber asked the Zoning Administrator about the statute of limitations of maintaining trees and landscaping. Cypher advised Wilber to contact him and he will provide information from a court proceeding that relates to the statute.

- 12. COMMENTS FROM THE COMMISSIONERS:** None.

13. NEXT MEETING:Regular meeting onMonday, July 19, 2021, 7:00pm, Kasson Township Hall

14. ADJOURNMENT: Chair Otto requested a motion for adjournment of the June 21, 2021, Planning Commission meeting. Cartermoved to adjourn the meeting; Roush seconded. All present in favor, motion carried. Meeting adjourned at 9:13pm.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: July 19, 2021